

E GIVEN: 2/20/08
NAME: V. Wallace

DATE RECEIVED: _____
SERIAL NUMBER: 10/562,001

Is there a refund due on
this case?



SPECIAL 24 HOUR TIME LIMIT
TIME OUT _____ TIME IN _____



Done
2/20/08

☐ YES FEE CODE _____ AMOUNT _____

☐ NO REASON FOR DENIAL _____

• PLEASE RETURN TO
OUR SUPERVISOR so it can be removed
from refund list.



2007 DEC 13 AM 4:48

DEP #1 REF

2815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Yaron SILBERBERG et al

Serial No.: 10/562,001

Filed: May 1, 2006

For: METHOD OF AND SYSTEM FOR
SELECTIVE CELL DESTRUCTION

§
§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 2881

Attorney
Docket: 30896

Mail Stop 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

The above-identified application was filed as a National Phase of PCT Serial No.: PCT/IL2004/000491.

Applicant, through error and mistake, erred in calculating the fees required when filing the National Phase Application, and authorized excess filing fee payments based on the National Stage Search and Examination Fees along with the Basic National Stage Fee, even though no search and examination fees were required as the USPTO was the ISA or IPEA, and all the claims satisfied PCT Article 33(1)-(4). A copy of the PCT IPRP (ISA/US) attesting to this is attached hereto. Furthermore, the USPTO erred in charging Large Entity fees for a Small Entity Applicant.

These charges were debited from Applicant's Deposit Account 501407 on December 29, 2005. It is requested that these excess charges, made by mistake, be refunded to Applicant's Deposit Account 501407.

The details of the errors are as follows:

1. The USPTO charged \$300 (Fee Code 1631) for the filing fee when the correct amount of \$150 (Fee Code 2631) was appropriate. A refund of \$150 is deemed to be in order.

2. The USPTO charged \$400 (Fee Code 1642) for the search fee when the correct amount of \$ 0 (Fee Code 2640) was appropriate. A refund of \$400 is deemed to be in order.

3. The USPTO charged \$200 (Fee Code 1633) for the Examination fee when the correct amount of \$0 (Fee Code 2643) was appropriate. A refund of \$200 is deemed to be in order.

4. The total amount that should be refunded is therefore $\$150 + \$400 + \$200 = \750 .

A refund of \$ 750 to deposit account 501407 is deemed to be in order.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: December 13, 2007

PATENT COOPERATION TREATY

JS

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

G.E. EHRLICH (1995) LTD.
11 Menachem Begin Street
52 521 Ramat Gan
ISRAEL

RECEIVED
01 FEB 2006
FILE No. 28162
G.E. EHRLICH (1995) LTD.

Date of mailing (day/month/year) 12 January 2006 (12.01.2006)		
Applicant's or agent's file reference 28162		IMPORTANT NOTICE
International application No. PCT/IL2004/000491	International filing date (day/month/year) 09 June 2004 (09.06.2004)	Priority date (day/month/year) 24 June 2003 (24.06.2003)
Applicant YEDA RESEARCH AND DEVELOPMENT CO. LTD. et al		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Simin Baharlou

Facsimile No. +41 22 740 14 35

Facsimile No. +41 22 338 71 30

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 28162	FOR FURTHER ACTION	See item 4 below
International application No. PCT/IL2004/000491	International filing date (<i>day/month/year</i>) 09 June 2004 (09.06.2004)	Priority date (<i>day/month/year</i>) 24 June 2003 (24.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant YEDA RESEARCH AND DEVELOPMENT CO. LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 03 January 2006 (03.01.2006) Authorized officer <div style="text-align: right; font-size: 1.2em;">Simin Baharlou</div>
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 71 30

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
GEOFFREY L. MELNICK
G.E. EHRLICH (1995) LTD.
11 MENACHEM BEGIN STREET
RAMAT GAN, ISRAEL 52 521

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 28 MAR 2005	
Applicant's or agent's file reference 28162	
FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/IL04/00491	International filing date (day/month/year) 09 June 2004 (09.06.2004)
Priority date (day/month/year) 24 June 2003 (24.06.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04N 13/00 and US Cl.: 606/9, 14, 15, 16, 17, 45; 348/45	
Applicant YEDA RESEARCH AND DEVELOPMENT CO., INC.	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer John R. Lee Telephone No. 703-308-0956
--	--

Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL04/00491

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL04/00491

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-28 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the method or apparatus for the destruction of living cells where an optical pulse having optical field power smaller than the ionization threshold potential of the cells is modified locally to increase optical field power of the pulse as it is applied to a target cell to cause ionization of the cell, and thereby destroy the cell as recited in claims 1, 7, 12, 18, and 23. Claims 1, 7, 12, 18, and 23 are independent claims and therefore claims 2-6, 8-11, 13-17, 19-22, and 24-28 meet the criteria of PCT Article 33(2)-(3) by virtue of their dependency.

Claims 1-28 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.



2007 DEC 13 AM 4:48

DEP 3' REF

2815

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Yaron SILBERBERG et al

Serial No.: 10/562,001

Filed: May 1, 2006

For: METHOD OF AND SYSTEM FOR
SELECTIVE CELL DESTRUCTION

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit: 2881

Attorney
Docket: 30896

Mail Stop 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

The above-identified application was filed as a National Phase of PCT Serial No.: PCT/IL2004/000491.

Applicant, through error and mistake, erred in calculating the fees required when filing the National Phase Application, and authorized excess filing fee payments based on the National Stage Search and Examination Fees along with the Basic National Stage Fee, even though no search and examination fees were required as the USPTO was the ISA or IPEA, and all the claims satisfied PCT Article 33(1)-(4). A copy of the PCT IPRP (ISA/US) attesting to this is attached hereto. Furthermore, the USPTO erred in charging Large Entity fees for a Small Entity Applicant.

These charges were debited from Applicant's Deposit Account 501407 on December 29, 2005. It is requested that these excess charges, made by mistake, be refunded to Applicant's Deposit Account 501407.

The details of the errors are as follows:

1. The USPTO charged \$300 (Fee Code 1631) for the filing fee when the correct amount of \$150 (Fee Code 2631) was appropriate. A refund of **\$150** is deemed to be in order.

2. The USPTO charged \$400 (Fee Code 1642) for the search fee when the correct amount of \$ 0 (Fee Code 2640) was appropriate. A refund of **\$400** is deemed to be in order.

3. The USPTO charged \$200 (Fee Code 1633) for the Examination fee when the correct amount of \$0 (Fee Code 2643) was appropriate. A refund of **\$200** is deemed to be in order.

4. The total amount that should be refunded is therefore $\$150 + \$400 + \$200 = \750 .

A refund of \$ 750 to deposit account 501407 is deemed to be in order.

Applicant has ~~not~~ previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,
Registration No. 40,338

Date: December 13, 2007

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

JS

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

G.E. EHRLICH (1995) LTD.
11 Menachem Begin Street
52 521 Ramat Gan
ISRAËL

RECEIVED
01 FEB 2005
FILE No. 28162
G.E. EHRLICH (1995) LTD.

Date of mailing (day/month/year)

12 January 2006 (12.01.2006)

Applicant's or agent's file reference
28162

IMPORTANT NOTICE

International application No.
PCT/IL2004/000491

International filing date (day/month/year)
09 June 2004 (09.06.2004)

Priority date (day/month/year)
24 June 2003 (24.06.2003)

Applicant

YEDA RESEARCH AND DEVELOPMENT CO. LTD. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Simin Baharlou

Facsimile No. +41 22 740 14 35

Facsimile No. +41 22 338 71 30

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 28162	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IL2004/000491	International filing date (<i>day/month/year</i>) 09 June 2004 (09.06.2004)	Priority date (<i>day/month/year</i>) 24 June 2003 (24.06.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant YEDA RESEARCH AND DEVELOPMENT CO. LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombeues 1211 Geneva 20, Switzerland	Date of issuance of this report 03 January 2006 (03.01.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Simin Baharlou</div>
Telephone No. +41 22 338 71 30	

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
GEOFFREY L. MELNICK
G.E. EHRLICH (1995) LTD.
11 MENACHEM BEGIN STREET
RAMAT GAN, ISRAEL 52 521

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **28 MAR 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

28162

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/IL04/00491

09 June 2004 (09.06.2004)

24 June 2003 (24.06.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04N 13/00 and US Cl.: 606/9, 14, 15, 16, 17, 45; 348/45

Applicant

YEDA RESEARCH AND DEVELOPMENT CO., INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

John R. Lee

Telephone No. 703-308-0956

[Signature]
Far

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IL04/00491

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL04/00491

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-28 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the method or apparatus for the destruction of living cells where an optical pulse having optical field power smaller than the ionization threshold potential of the cells is modified locally to increase optical field power of the pulse as it is applied to a target cell to cause ionization of the cell, and thereby destroy the cell as recited in claims 1, 7, 12, 18, and 23. Claims 1, 7, 12, 18, and 23 are independent claims and therefore claims 2-6, 8-11, 13-17, 19-22, and 24-28 meet the criteria of PCT Article 33(2)-(3) by virtue of their dependency.

Claims 1-28 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.